

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2231.05
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: March 3, 2005
DATE OF REPORT: March 30, 2005
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: April 29, 2005

COMPLAINT ISSUES:

Whether the Shelbyville Central Schools and the Blue River Special Education Cooperative violated:

511 IAC 7-21-8(a)(4) and (5) by failing to ensure the student's medication was kept in a secure location and by failing to administer the student's medication in accordance with the physician's prescription and/or health plan.

FINDINGS OF FACT:

1. The Student has been identified as having autism and a communication disorder and determined eligible for special education and related services.
2. The Student's IEP dated November 23, 2004, indicates that the Student will be receiving medication at school. The Parent/Guardian-Physician Permission form dated December 8, 2004 and signed by the parent specifically states that the Student is to receive two types of medication, in tablet form at the prescribed dosage, at 11:15 a.m. each school day.
3. The Student's medication record shows that there are at least 10 school days when the Student did not receive the required medication between December 13, 2004, and the date this complaint was filed. There are an additional five days recorded that indicate that the Student was absent from school for half of one day and no medication was administered.
4. The Complainant alleges that the Student's parent has witnessed the Student's medication left unsecured in the medication drawer in the school nurse's office. The School does not dispute the allegation and acknowledges that persons authorized to administer medication have not received special training.

CONCLUSIONS:

Findings of Fact #2 through #4 indicate that the School failed to maintain the Student's medication in a secure location and to administer the Student's medication in accordance with the physician's prescription. Finding of Fact #4 indicates that persons authorized to administer medication have not received special training. Therefore, a violation of 511 IAC 7-21-8(a)(4) and (5) is found.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

Shelbyville Central Schools and the Blue River Special Education Cooperative shall:

1. Convene the Student's case conference committee to determine a plan to ensure that the Student will have the required medication administered. The Student's IEP shall be amended to include specific steps to be taken in order to ensure the medication is administered. A copy of the Case Conference Report and IEP shall be sent to the Division no later than April 29, 2005.
2. Schedule an in-service training for all school personnel authorized to administer medication. The in-service shall provide special training on meeting the requirements of 511 IAC 7-21-8. A copy of the attendance sheet and any notes, hand-outs, or materials shall be submitted to the Division no later than April 29, 2005.